

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Lizamaris DeLaRosa,

Plaintiff,

-v-

1:11-CV-368 (NAM/CFH)

**United States of America; U.S. Bureau of ATF; U.S.
Department of Justice; Craig Nolan; Thomas M.
Jusaniec; Thomas McCoy; James J. Mostyn; and
Other Unknown Officers,**

Defendants.

APPEARANCES:

Lizamaris DeLaRosa
Plaintiff, *Pro Se*

Hon. Richard S. Hartunian, United States Attorney
Charles E. Roberts, Esq., Assistant United States Attorney
100 South Clinton Street
Syracuse, New York 13261
Attorney for Defendants

Hon. Norman A. Mordue, U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

In this *pro se* civil rights action, defendants moved (Dkt. No. 12) to dismiss the complaint (Dkt. No. 1). Thereafter, plaintiff moved (Dkt. No. 14) to amend the complaint. By Order dated December 29, 2011 (Dkt. No. 17), United States Magistrate Judge David R. Homer, since retired, granted plaintiff's motion to amend the complaint and directed that defendants' motion to dismiss the complaint (Dkt. No. 12) be deemed to apply to the amended complaint; thus, defendants were not required to file a new motion to dismiss the amended complaint. Thereafter, plaintiff filed the amended complaint (Dkt. No. 18).

On September 11, 2012, United States District Court Judge Glenn T. Suddaby, to whom

the case had been assigned, signed an order of recusal (Dkt. No. 23). The case was then randomly assigned to this Court.

Where an amended complaint is filed after a defendant makes a dismissal motion addressed to the initial complaint, it has been this Court's uniform practice to dismiss the motion as moot and to require the filing of a new dismissal motion specifically directed to the amended complaint. The Court adheres to this practice in the present case. Accordingly, the defendants' motion (Dkt. No. 12) to dismiss the initial complaint is denied as moot.

It is therefore

ORDERED that defendants' motion (Dkt. No. 12) to dismiss the initial complaint is denied as moot; and it is further

ORDERED that if defendant wishes to move to dismiss the amended complaint (Dkt. No. 18), defendant is directed to serve and file such a motion within 30 days of the date of this Memorandum-Decision and Order; and it is further

ORDERED that the Clerk of the Court is directed to serve copies of this Memorandum-Decision and Order in accordance with the Local Rules of the Northern District of New York.

IT IS SO ORDERED.

September 24, 2012
Syracuse, New York


Honorable Norman A. Mordue
U.S. District Judge